



LEGAL BULLETIN



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Tucson Police Department – Legal Advisor's Office

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Duty To Intervene Or Provide Care

Recent events around the country have underscored just how important it is for officers to step in when they see their colleagues use inappropriate or excessive force. While other departments still grapple with whether their officers should be required by policy to intervene in these circumstances, TPD's position on this issue has long since been clear; our officers have a duty to intervene any time they witness another officer using inappropriate force. General Order 2010 states, "A member who observes another member using inappropriate, unnecessary, or unreasonable force **shall intervene** to stop the use of force as soon as possible."

TPD's duty-to-intervene policy is consistent with best practices and is well supported by case law. In fact, federal courts deciding civil claims against police departments have almost always agreed that officers have an affirmative legal duty to stop excessive force when they see it. There is clear potential for liability when officers fail to intervene when they witness excessive force.

On a related note, the law also requires officers to provide objectively reasonable post-arrest care to an arrestee. General Order 2112.2 spells out this obligation in some detail: "If an arrestee is injured, ill, or has another medical condition requiring immediate care, the arresting/transporting officer **shall ensure that the arrestee receives appropriate medical attention**....Arrestees who are injured, ill, or who have other medical conditions requiring immediate care should be evaluated and transported by EMS personnel to a medical facility unless EMS personnel clear these arrestees for transport in a patrol vehicle..."

General Order 2010 clarifies that an officer's duty to provide care extends to anyone on whom force has been used: "If the use of force becomes necessary, members shall, as soon as practicable, provide medical care to any person who has visible injuries, appears to be agitated or in distress, complains of being injured, or requests medical attention." General Order 2010 also speaks to the specific requirement that officers place arrestees in the recovery position: "As soon as it is safe to do so, members shall ensure that appropriate care is given to the recipient of force. This includes moving the person into the recovery position unless an articulable medical condition exists that may endanger the person (e.g., neck or spinal injuries)."

The takeaway here is that TPD officers have a duty to intervene and a related duty to provide medical attention to anyone in their custody. As always, please contact us if you have any questions about these policies or the laws that support them.